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February 15, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 45– January 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

## Meetings/Conference Calls

- On January 19, CPG, Tierra, EPA, and CPG and EPA contractors held a conference call to discuss EPA comments on the Small Volume (SV) Chemical Water Column Monitoring (CWCM) QAPP.
- On January 20, EPA and CPG held a conference call to review the results of the Caged Bivalve Study (CBS) pilot.
- On January 24, EPA and CPG held a conference call to discuss EPA's additional Low Resolution Coring (LRC) Report comments and the results of the CBS pilot.

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## Correspondence

- On January 4, CPG provided a summary of the data validation frequencies from completed RI QAPPs.
- On January 4, CPG submitted a request to EPA for adjustments in the small foraging fish (SFF) tissue analytical program including a change from a high resolution analytical method for Polynuclear Aromatic Hydrocarbons (PAHs) to a low resolution analytical method for future laboratory analyses in this program.
- On January 5, EPA responded to CPG's January 4 requested adjustments for SFF analyses and accepted all requests with the exception of using a low resolution PAH method.
- On January 10, CPG and EPA exchanged emails regarding requests for information on the modeling program and the EPA's justification for additional stations in Newark Bay for the SV CWCM program.
- On January 14, CPG submitted the Monthly Progress Report to EPA.
- On January 17 and 19, CPG and EPA exchanged emails regarding the winter Avian Survey schedule and implementation.
- On January 18, CPG submitted a proposed agenda for the January 19 EPA-CPG LPRSA Conceptual Site Model (CSM) RI/FS meeting.
- On January 18 EPA and CPG exchanged emails regarding questions on the Physical Water Column Monitoring (PWCM) database posed by EPA contractors.
- On January 20, CPG contractor provided 2009 tissue sample ID information to EPA contractor.
- On January 21 CPG submitted slides to EPA regarding preliminary CBS pilot results.
- On January 25, CPG submitted to EPA a proposed agenda for the semiannual LPR-NB Modeling meeting to be held on February 3.
- On January 25, EPA provided CPG comments on the draft LRC Report.
- On January 26, EPA provided CPG comments on the results of the CBS pilot and request for species to be used in the full-scale CBS deployment.
- On January 27, CPG responded to EPA's January 26 comments on the species (oysters) requested for the full-scale CBS deployment.
- On January 27, EPA provided CPG comments on the proposed agenda for the semi-annual LPR-NB Modeling meeting to be held on February 3.
- On January 28, EPA provided CPG comments on the Periodic Bathymetry Survey Report for the June 2010 Multibeam Survey.



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 On January 31, CPG provided EPA with model output that will be discussed during the February 3 EPA-CPG LPR-NB modeling meeting.

#### Work

- CPG continued processing and chemical analysis of small foraging fish tissue samples (summer 2010 Tissue Collection Survey).
- CPG continued to develop responses to EPA comments on the SV CWCM QAPP.
- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents.
- CPG completed the CBS pilot deployment on January 6.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for high-flow conditions utilizing CPG input files.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PCWM) survey data to develop correlations of acoustic backscatter and optical backscatter to SSC data.
- CPG continued drafting the winter/spring 2010 Fish Community Survey field report.
- CPG conducted the winter 2010 Avian Survey January 23 through January 27.
- CPG continued drafting the 2010 Habitat Survey field report.
- CPG continued drafting of the summer/fall 2010 Avian Survey field report.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG continued drafting of the Benthic QAPP Addendum Caged Bivalve Study.

# (b) Results of Sampling and Tests

 On January 30, CPG submitted final (complete) validated data for the 2009 Benthic Community Survey sediment samples, 2010 Benthic Community Survey sediment samples co-located with collection of small foraging fish samples and 2009 Fish/Decapod Tissue Collection Survey samples to EPA.



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# (c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue processing and chemical analyses of small foraging fish tissue samples (summer 2010 Tissue Collection Survey).
- CPG will address comments on the Periodic Bathymetry Survey Report for the June 2010 Multibeam Survey.
- CPG will continue reviewing the fall 2009 and spring 2010 PWCM data.
- CPG will continue drafting the winter/spring 2010 Fish Community Survey field report.
- CPG will continue drafting the 2010 Habitat Survey field report.
- CPG will continue drafting of the summer/fall 2010 Avian Survey field report.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG will continue drafting of the Benthic QAPP Addendum 4 Caged Bivalve Study.
- CPG will respond to EPA comments on the Small Volume CWCM QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and calibration.
- CPG will participate in LPR/NB Modeling Program progress calls and a February 3, 2011 progress meeting with EPA and EPA contractors.
- CPG will continue reviewing and responding to EPA's comments on the risk assessment planning documents.

# (d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

 Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their Ms. S. Vaughn LPRSA RI/FS - Progress Report No. 45 – January 2010 February 15, 2011 Page 5 of 6

calibration. EPA has informed the CPG that the revised SEDZLJS code, revised input files or calibration model output will be provided to the CPG in April 2011 As such, the CPG is continuing to work on its high flow calibration and is beginning work on its long-term daily calibration; however, a detailed update of EPA's current status with the previously mentioned documentation would greatly assist the CPG to continue its collaboration with the EPA Modeling Team as directed by EPA in its February 18, 2010 letter. CPG is awaiting receipt of the revised RCA-TOX code and other inputs that the EPA Modeling Team said would be provided to the CPG by the end of December 2010. EPA proposed, and the CPG agreed, to conduct the postponed December 1, 2010 EPA-CPG Semiannual Modeling Meeting on February 3, 2011. Extension of the sediment transport modeling and chemical fate transport modeling schedules will extend the completion of the LPRSA RI/FS.

- The CPG is in the process of resolving EPA's November 4, 2010 comments on the draft Small Volume CWCM QAPP. Some EPA comments such as those related to the EPA's request for a 10-liter sample collection and analysis were not anticipated by the CPG and will require the CPG to identify laboratories capable of analyzing those samples. This process to address these EPA comments will likely include analytical method development, MDL studies, and laboratory audits. As a result of the additional requirements identified by EPA and the onset of winter, the implementation of the first sampling event will be delayed until the early spring of 2011. Furthermore, the EPA requests regarding additional sampling locations in Newark Bay will result in significant increases in logistical complexity to the project without a clear need explained in the comments. The delays associated with both the Small Volume CWCM and CSO (see below) Programs are likely to extend the completion of the RI/FS.
- The delay in EPA's approval of Tierra's CSO/SWO Workplan is anticipated to impact the completion of the LPRSA RI/FS. The extent of the schedule impact is dependent on resolution of EPA's comments on the draft CSO/SWO Workplan and when the Phase 1 work is implemented.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the

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CPG's revision of the risk planning documents. The CPG anticipates that it will provide revised risk assessment planning documents on or about February 8.

 Analysis and validation of biological samples collected in the 2010 field season should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the Human Health Risk Assessment and Ecological Risk Assessment in CY 2011. CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis inc.

Willard F. Potter Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel Alice Yeh, EPA
William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
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